

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION**

<b>IN RE:</b>	)	<b>BANKRUPTCY CASE NO.</b>
	)	
<b>DEE FORD'S WEST, LLC,</b>	)	<b>24-40320</b>
	)	
<b>DEBTOR.</b>	)	<b>CHAPTER 11</b>

**CHAPTER 11 OPERATING ORDER**

This Order affects your legal rights. You may object to it. If you choose to object, you must do so in writing within eight days of the date this Order was entered. All objections must be filed with the Bankruptcy Clerk's Office. All requirements in the Order not objected to will become effective on the ninth day following the date this Order was entered.

If you do file an objection, a hearing on your objection will be scheduled for:

Date: April 18, 2024  
Time: 9:30 o'clock a.m.  
Location: U. S. Courthouse, Room 307  
1100 Gurnee Avenue  
Anniston, Alabama 36201

On the effective day of this Order, the Debtor is **ORDERED** to comply with the following:

**A. MEETING WITH THE BANKRUPTCY ADMINISTRATOR**

The Debtor shall meet with the Bankruptcy Administrator *at a Date and Time established by the Bankruptcy Administrator*.

**B. BOOKS AND RECORDS**

1. New books and records must have been opened on the date the Chapter 11 petition was filed. If they were not, they must be opened upon receipt of this Order. The Debtor must then close all of its old books and records, reconciled as of the day preceding the filing of the bankruptcy.
2. A schedule of all depreciable assets shall be provided the Bankruptcy Administrator *no later than the date of the scheduled meeting with the Bankruptcy Administrator*. The schedule should include:
  - a. A description of the asset;
  - b. Method of depreciation;
  - c. Serial number;

- d. Date purchased;
- e. Useful life;
- f. Purchase price;
- g. Accumulated depreciation; and
- h. Scrap value.

### **C. NEW BANK ACCOUNTS**

Necessary new bank accounts must have been opened on the date the Chapter 11 petition was filed. If they were not, they must be opened upon receipt of this Order. The Debtor must then close all old bank accounts, reconciled as of the day preceding the filing of the bankruptcy and further provide the Bankruptcy Administrator with copies of bank statements for **three** months preceding the filing date of the petition.

When new accounts are set up:

1. The words "Chapter 11 Debtor in Possession - Bankruptcy Case No. 24-40320" must be written on all account signature cards; and
2. All old accounts must be balanced, reconciled, and closed.
3. If the Debtor is an individual, the Debtor is required by the 15<sup>th</sup> day of the month following the date of the filing of the bankruptcy petition to immediately open a separate debtor-in-possession account into which the Debtor must deposit his monthly disposable income until the case is confirmed. The Debtor shall commence making payments into the account no later than the 15<sup>th</sup> day of the month and shall continue to make payments each month until the case is confirmed.

### **D. PROOF OF NEW BANK ACCOUNTS**

When the Debtor opens new account, it must filed with the Bankruptcy Clerk's Office *no later than the date of the scheduled meeting with the Bankruptcy Administrator*:

1. The first check from new checking accounts;
2. A copy of a signature card for every account in use after the date of filing the bankruptcy petition bearing the words "Chapter 11 Debtor in Possession - Bankruptcy Case No. 24-40320," and
3. A reconciled bank statement for every account in use before the filing of the bankruptcy petition.

## **E. BANK COLLATERALIZATION**

The Federal Deposit Insurance Corporation (FDIC) insures its depositors (here Debtors in Possession) for \$250,000.00. This maximum amount is applied to each depositor by each insured institution. It does not apply to each account. Therefore, insurance is not increased merely by dividing funds among different accounts in the same institution.

If the Debtor has one or more accounts in any single institution where the total amount on deposit exceeds \$250,000.00, the Debtor must either open another account in a separate bank or require from the institution holding these funds a deposit of securities equal to the difference in the amount on deposit and \$250,000. This should be done by the Debtor immediately. Form No. BA-40(11), which can be found on the website of the Bankruptcy Administrator at [www.alnba.uscourts.gov](http://www.alnba.uscourts.gov), should be used to complete this process. This form completed with the name of the pledged treasury certificate or certificates, the identification number of each certificate, and the value thereof must be filed with the Bankruptcy Clerk's Office.

## **F. BANK STATEMENTS**

1. The Debtor must file with the Bankruptcy Clerk's Office copies of the bank statement and statement reconciliation for every account in use before the filing of the bankruptcy petition.
2. The Debtor must file with the Bankruptcy Clerk's Office a copy of its monthly bank account statements and statement reconciliations for all of its accounts.
3. The Debtor must file with the Bankruptcy Clerk's Office copies of bank statements and statement reconciliations for all pre-petition bank accounts until these accounts have a zero balance and have been closed.
4. The Debtor must file a monthly statement for all savings accounts, certificates of deposit, stocks, bonds, and all other accounts or funds in which the Debtor has an interest. In view of the fact that many institutions do not generate monthly statements for these accounts, the Debtor is permitted to file a copy of the quarterly statement generated by such financial institution, an account history updated monthly by the Debtor, or a copy of the passbook.
5. The Debtor must file the statement and statement reconciliation along with the Chapter 11 operating reports described in Paragraph "L" on a monthly basis and must be the statement and statement reconciliation for the month covered by the monthly operating reports. If the Debtor does not receive its statement from its bank by the 15th of the month so that the Debtor is able to file it with the operating reports, the statement must be filed by the last working day of that month.

## **G. POST PETITION TAXES, PAYROLL ACCOUNTS, AND LICENSES**

1. Within three workdays after each regular payroll period, the Debtor is required to pay to the Internal Revenue Service withheld or collected taxes in the form of a Federal Tax Deposit. All tax deposits must be confirmed by attaching Form 6123, Verification of Fiduciary's Federal Tax Deposit, to each monthly operating report.
2. Within three workdays after each regular quarterly period, the Debtor is required to pay to the Internal Revenue Service the federal unemployment tax in the form of a Federal Tax Deposit.
3. If the Debtor is an individual required to make quarterly tax estimate payments, those payments should be made when due.
4. All other taxes should be paid when due.
5. The Debtor shall keep current all business licenses and permits and shall furnish the Bankruptcy Administrator with copies of the current licenses and provide copies of all renewed licenses as they are renewed.

## **H. INSURANCE**

1. The Debtor shall insure all of its properties for loss caused by fire, theft, liability, collision and casualty, and, if required, workmen's compensation.
2. *By the date of the scheduled meeting with the Bankruptcy Administrator*, the Debtor shall file with the Bankruptcy Clerk's Office copies of all of its insurance policies or a list of all of its insurance policies. If a list is filed, each policy should be described to include:
  - a. policy number;
  - b. name of the insured;
  - c. a general description of the property insured;
  - d. the beneficiary;
  - e. name and address of the insuring agent;
  - f. amount of coverage;
  - g. type of insurance;
  - h. date of expiration;
  - i. amount of premium;
  - j. insurance carrier; and
  - k. premium due date.
3. Insurance binders and insurance applications are valid for thirty days from the date of issuance. If the Debtor files a binder and/or application as evidence of the insurance, a copy of the policy must be filed with the Bankruptcy Clerk's Office prior to the expiration date of the binder/application.

4. If a notice of cancellation or of non-renewal is given on any of the Debtor's insurance policies, or the Debtor chooses not to renew any policy, the Debtor shall notify the Bankruptcy Administrator in writing no later than three days after receipt of the notice or after deciding not to renew.

## **I. INVENTORY**

If the Debtor has not filed a detailed list of property on Schedule B to its petition, the Debtor must file a list of property with the Bankruptcy Clerk's Office *no later than the date of the scheduled meeting with the Bankruptcy Administrator*.

## **J. COPIES TO THE BANKRUPTCY ADMINISTRATOR**

The Debtor shall provide the Bankruptcy Administrator with copies of motions to employ professionals, applications for compensation and expenses, and all plans and disclosure statements (if any disclosure statement(s) ordered to be filed).

## **K. INSPECTION OF PROPERTY AND RECORDS**

The Debtor shall permit the Bankruptcy Administrator reasonable inspection of its premises, properties, books and records.

## **L. FINANCIAL REPORTS**

The Debtor shall file operating reports according to this schedule (such forms can be found on the website of the Bankruptcy Administrator at [www.alnba.uscourts.gov](http://www.alnba.uscourts.gov)):

<b><u>DEBTOR</u></b>	<b><u>FILE FORMS</u></b>	<b><u>PERIOD</u></b>
1. Individuals Not in Business	Individual BA-01 Individual BA-02 Bank Reconciliation Sheet	Monthly Monthly Monthly
2. Individuals in Business (Sole Proprietorship)	Business BA-01 Individual BA-02 Business BA-02 (with attachments 2(A) - 2(D) Business BA-03 (with attachment 3(A)) Bank Reconciliation Sheet Business BA-04 Business BA-05	Monthly Monthly Monthly  Monthly  Monthly Quarterly Quarterly

3. Partnerships, Corporations and Joint Ventures	Business BA-01	Monthly
	Business BA-02 (w/attachments 2(A) - 2(D))	Monthly
	Business BA-03 (w/attachment 3(A))	Monthly
	Bank Reconciliation Sheet	Monthly
	Business BA-04	Quarterly
	Business BA-05	Quarterly

It is not required that a debtor change its accounting methods; however, it is absolutely necessary that the information filed in the operating reports contain the figures based on a **cash accounting**. The operating reports cannot be prepared on an accrued, projected or anticipated basis. The reports should be prepared using information from the actual checkbook or check ledger.

The Bankruptcy Administrator may adjust, as he deems necessary, the content of these forms and which forms should be filed by this Debtor.

The required operating reports should be filed with the Bankruptcy Clerk's Office according to this time schedule:

**Forms for Month Ending**

January 31  
February 28  
March 31  
April 30  
May 31  
June 30  
July 31  
August 31  
September 30  
October 31  
November 30  
December 31

**File with the Clerk on or Before**

February 15  
March 15  
April 15  
May 15  
June 15  
July 15  
August 15  
September 15  
October 15  
November 15  
December 15  
January 15

**Forms for Quarter Ending**

March 31  
June 30  
September 30  
December 31

**File with the Clerk on or Before**

April 15  
July 15  
October 15  
January 15

#### **M. 90 DAY DEADLINE FOR DEBTOR PLAN**

The Debtor should file a plan on or before **June 17, 2024**, unless the Court extends this deadline because of circumstances for which the Debtor should not justly be held accountable.

#### **N. DESIGNATED PERSON FOR BUSINESS ENTITY**

It appearing that the Debtor is not a natural person, DEWEY LANKFORD FORD, who executed the petition, is designated pursuant to Bankruptcy Rule 9001(5) as the person to perform the acts and duties required of the Debtor by the Bankruptcy Code and Rule.

#### **O. POST CONFIRMATION REPORTS**

If a plan of reorganization is confirmed, the Debtor can discontinue filing operating reports BA 1-5. Thereafter, the Debtor shall complete and file a post-confirmation report with the Bankruptcy Clerk's Office on the 15th day of every month following confirmation. That report shall be filed on Form No. BA-06 which can be found on the website of the Bankruptcy Administrator at [www.alnba.uscourts.gov](http://www.alnba.uscourts.gov).

#### **P. MISCELLANEOUS PROVISIONS**

1. References in this Order to "Bankruptcy Administrator" include persons the Bankruptcy Administrator may designate.
2. All documents to be filed with or served on the Bankruptcy Administrator shall be delivered to the Bankruptcy Administrator divisional office where the case is pending.
3. All documents to be filed with or served on the Bankruptcy Clerk shall be delivered to the divisional office of the Clerk where the case is pending. All references to gender in this Order shall be construed as neutral. If the Debtor is not an individual, the responsible party is designated as the representative who signed the original petition unless otherwise designated by the Court.
4. The Debtor shall provide the Trustee appointed by the Court in this case copies of all documents required to be filed with or served on the Bankruptcy Administrator or the Bankruptcy Clerk
5. The Debtor shall provide the chairperson of any committee appointed by the Court in this case copies of all documents required to be filed with or served on the Bankruptcy Administrator or the Bankruptcy Clerk.
6. The Debtor shall comply fully with the requirements in the Director's Bankruptcy

Administrator Guidelines.

7. This Order does not relieve the Debtor of any requirements of the bankruptcy statutes or Bankruptcy Rules.

**DONE AND ORDERED** this the 22<sup>nd</sup> day of March 2024.

/s/ James J. Robinson  
JAMES J. ROBINSON  
United States Bankruptcy Judge

cc: Debtor  
Debtor's Attorney  
Internal Revenue  
Service  
Bankruptcy  
Administrator  
Trustee